

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|   |   |                                    |
|---|---|------------------------------------|
| <b>Comcast of Massachusetts I, Inc.</b> | ) | <b>Case No.: 1:05-cv-10691-NMG</b> |
|   | ) |                                    |
| Plaintiff,                              | ) | <b>PLAINTIFF'S REQUEST</b>         |
|   | ) | <b>FOR ENTRY OF DEFAULT</b>        |
| vs.                                     | ) |                                    |
|   | ) |                                    |
| <b>Norman Perras</b>                    | ) |                                    |
|   | ) |                                    |
| Defendant                               | ) |                                    |
|   | ) |                                    |
|   | ) |                                    |

Now comes the Plaintiff Comcast of Massachusetts I, Inc. (hereinafter "Comcast" or the "Plaintiff") in the above-entitled action and requests this Honorable Court to enter a default against Defendant Norman Perras (hereinafter the "Defendant"), in this action.

As reasons therefore, the Plaintiff states that Defendants have failed to appear, have failed to serve a responsive pleading, and have failed to otherwise defend against the Plaintiff's claims, pursuant to Rule 12 of the Fed. R. Civ. P.

**WHEREFORE**, the Plaintiff respectfully requests that this Honorable Court enter a default against the Defendants. The Affidavit of Plaintiff's Attorney reciting compliance with Rule 12 and Rule 55 of the Fed. R. Civ. P. is annexed hereto and made a part hereof.

Respectfully Submitted for the Plaintiff,  
Comcast of Massachusetts I, Inc.  
By Its Attorney,

11/17/2005  
Date

/s/ John M. McLaughlin  
John M. McLaughlin  
**Green, Miles, Lipton & Fitz-Gibbon LLP**  
77 Pleasant Street  
P.O. 210  
Northampton, MA 01061  
Telephone: (413) 586-0865  
BBO No. 556328

**CERTIFICATE OF SERVICE**

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 17<sup>th</sup> day of November, 2005, a copy of the foregoing Request for Default was mailed first class to:

Norman Perras  
84 Derby Street  
Dracut, MA 01826

/s/ John M. McLaughlin  
John M. McLaughlin, Esq.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Comcast of Massachusetts I, Inc. ) Case No.: 1:05-cv-10691-NMG  
Plaintiff, )  
vs. ) AFFIDAVIT OF ATTORNEY FOR  
Norman Perras ) PLAINTIFF'S REQUEST  
Defendant ) FOR DEFAULT  
\_\_\_\_\_  
)

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. On April 7, 2005, the Plaintiff filed a Complaint against the Defendant, **Norman Perras**, in United States District Court, alleging violations of 47 U.S.C. § 553.
2. On April 22, 2005, the said Defendant was served **by last and usual place of abode, by Deputy Sheriff Girard Whitman** (see copy of Deputy Sheriff's Return of Service marked Exhibit A, attached hereto, and made a part hereof).
3. Pursuant to the provisions of Rule 12 of the Fed. R. Civ. P., the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
4. On or about May 13, 2005 I had a conversation with the Defendant wherein I believed he agreed to settle this matter in the amount of \$3,000.00.
5. On or about May 13, 2005, I sent Mr. Perras a written settlement agreement to implement the agreement we had made.

6. Thereafter, the Defendant did not pay the settlement amount or execute and return the settlement agreement.
7. In October, I wrote to the Defendant, telling him that I was looking for payment and settlement agreement.
8. In October, the Defendant wrote back saying that he could only pay an amount much smaller than the original agreed upon settlement figure.
9. I have had phone calls with the defendant recently advising him that I would have to move forward if he did not implement the settlement or send me financial records to indicate why he could not settle at the prior agreed amount.
10. The Defendant refused to implement the settlement and refused to provide any documentation to evidence financial hardship, and he told me to do what I had to do.
11. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.
12. I have filed herewith an application for entry of default, with the request that a Notice of Default be entered by this Court.
13. I have attached a Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury, this 17<sup>th</sup> day of November, 2005.

Respectfully Submitted for the Plaintiff,  
Comcast of Massachusetts I, Inc.  
By Its Attorney,

/s/ John M. McLaughlin  
John M. McLaughlin  
**Green, Miles, Lipton & Fitz-Gibbon LLP**  
77 Pleasant Street  
P.O. 210  
Northampton, MA 01061  
Telephone: (413) 586-0865  
BBO No. 556328

UNITED STATES DISTRICT COURT  
District of Massachusetts

Comcast of Massachusetts I, Inc.

v.

Norman Perras

SUMMONS IN A CIVIL CASE

05 CV 10691 NMG

CASE NUMBER:

TO: (Name and address of Defendant)

Norman Perras  
84 Derby Street  
Dracut, MA 01826

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John M. McLaughlin  
Green, Miles, Lipton & Fitz-Gibbon  
P.O. Box 210  
77 Pleasant Street  
Northampton, MA 01061-0210  
(413) 586-8218

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORN

CLERK

(By) DEPUTY CLERK

*Sarah A. Thorn*





Middlesex Sheriff's Office • Civil Process Division, P.O. Box 7135, Lowell, MA 01852-0135 • (978) 452-3221

Middlesex, ss.

I hereby certify and return that on 4/27/2005 at 5:40PM I served a true and attested copy of the SUMMONS, COMPLAINT, COVER SHEET, CORPORATE DISCLOSURE, CASE COVER SHEET in this action in the following manner: To wit, by leaving at the last and usual place of abode of NORMAN PERRAS, 84 DERBY Street Dracut, MA 01826 and by mailing 1<sup>st</sup> class to the above address on 4/28/2005. Attest (\$10.00), Basic Service Fee (\$20.00), Conveyance (\$1.20), Postage and Handling (\$3.00), Travel (\$16.24) Total Charges \$50.44

April 28, 2005

Deputy Sheriff

- Returned unexecuted: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Other (specify): \_\_\_\_\_  
 \_\_\_\_\_

## STATEMENT OF SERVICE FEES

| TRAVEL | SERVICES | TOTAL |
|--------|----------|-------|
|--------|----------|-------|

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_ Date \_\_\_\_\_ Signature of Server \_\_\_\_\_

  
Address of Server

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|   |   |                                    |
|---|---|------------------------------------|
| <b>Comcast of Massachusetts I, Inc.</b> | ) | <b>Case No.: 1:05-cv-10691-NMG</b> |
|   | ) |                                    |
| <b>Plaintiff,</b>                       | ) | <b>ORDER FOR NOTICE OF REQUEST</b> |
|   | ) | <b>FOR DEFAULT</b>                 |
| <b>vs.</b>                              | ) |                                    |
|   | ) |                                    |
| <b>Norman Perras,</b>                   | ) |                                    |
|   | ) |                                    |
| <b>Defendant</b>                        | ) |                                    |
|   | ) |                                    |
|   | ) |                                    |

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Upon application of the Plaintiff for an order of default for failure of the Defendant to plead or otherwise defend, as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendant has been DEFALTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY THE COURT

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Deputy Clerk